UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

FILED
JAN - 5 2017
At ______
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

John Chmielewski	*	
	*	
Claimant	*	
	*	
v.	*	
	*	
TMS INTERNATIONAL, LLC	*	
	*	
Defendant	*	**CIVIL ACTION NO.: 3-16-cv-00421-JVB-JEM**

CLAIMANT'S RESPONSE TO COURT'S OPINION AND ORDER

Comes now Claimant Pro Se in response to this Court's OPINION AND ORDER dated December 8, 2016 and received by this Claimant via ordinary mail on December 12, 2016.

1. On page three of his Order, this Court stated incorrectly in the last paragraph thereof that "Plaintiff has filed no response to TMS' Motion for Attorneys Fees and Costs." This is incorrect. This Court's attention is called to Claimant's pleading dated October 17, 2016 titled CLAIMANT'S RESPONSE TO DEFENDANT'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS CLAIMANT'S COMPLAINT PURSUANT TO RULES 8, 10, 12(b) AND 12(b)(6) OF FEDERAL RULES OF CIVIL PROCEDURE. This Court's attention is called to paragraph 21 on page 15 of said pleading in which the Claimant stated in detail his reasoning in criticism of Defendant's motion for legal fees prior to a ruling by this Court. Claimant preys this court specifically see his motion for denial of any such motion for fees by Defendant pending a

ruling by this Court on the substance of Claimant's Claim as stated on lines 7, 8 and 9 of said paragraph.

2. In consideration of the above correction of this Court's misunderstanding and in further consideration of this Pro Se Claimant's continuing full-time employment by Defendant on amicable terms, Claimant Pro Se further moves this Court to rule a temporary abatement or injunction of any and all consideration or ruling by this Court on Defendant's PETITION FOR ATTORNEY FEES AND COSTS pending a ruling by the 7th Circuit Court of Appeals to which Claimant is filing his appeal at this time. A favorable ruling by said 7th Circuit Court of Appeals in his favor would obviously create responsibility for payment of such fees and costs from t his Claimant to the Defendant, TMS.

Respectfully submitted,

John Chmielewski
John Chmielewski
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Without Prejudice
UCC 1-308

NOTICE OF SERVICE

I HEREBY CERTIFY that on this 30th day of **December 2016** that a copy of the foregoing pleading was mailed first class, postage prepaid, to

David Pryzbylski, Esquire
Barnes & Thornburg, LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Attorney for Defendant

John Chmielewski
John Chmielewski